



Washington State Department of Agriculture News Release

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WASHINGTON STATE DEPARTMENT OF AGRICULTURE
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Eastern Washington violations Agriculture Department issues fines and suspensions for pesticide violations

OLYMPIA – During the second half of 2002, the state Department of Agriculture (WSDA) issued fines totaling \$22,158 against 20 individuals in Eastern Washington. Of those, 16 also had their licenses suspended for a total of 136 days. Two individuals were not fined but had their licenses suspended for a total of 33 days. Fines ranged from \$175 to \$7,200 for violations that included failing to follow directions on a pesticide label, keeping inadequate records and allowing a pesticide to drift onto a person or property.

A penalty matrix is used to ensure penalties are uniform and fair. The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

WSDA enforces state and federal laws to protect people, property and the environment against the improper use of pesticides. Staff also provides technical assistance to the pesticide industry and consumers, and enforces the rules on structural inspections for wood destroying organisms, such as termites and carpenter ants. About 200 allegations of improper distribution or misuse of pesticides, or faulty structural inspections are investigated every year.

To file a complaint involving the misuse of pesticide, or to find out if an applicator is licensed, call (877) 301-4555.

Darrell Bolyard, licensed commercial applicator, president, Darry-Air Inc., Ephrata. WSDA alleges that in the spring and fall of 2000, Bolyard injured trees and shrubs when he applied herbicides along about three-miles of roadway. The matter was resolved with Bolyard agreeing to a five-day license suspension and a \$350 fine.

Jeff R. Brown, commercial consultant for G.S. Long Co., Inc., Yakima. WSDA alleges that, in October 2000, Brown assisted another person in applying a soil fumigant through an irrigation system and over mature apple trees. The fumigant drifted, damaging a neighboring orchard and affecting the health of persons in the orchard. The matter was resolved with Brown agreeing to a three-day license suspension and a \$1,604 fine.

Cameron Calaway, private and commercial applicator, Mattawa, was fined \$300 and his private applicator license was suspended for six days. In May 2001, Calaway was not licensed when he applied restricted-use herbicides. Calaway also failed to follow label directions when he applied herbicide to a crop not listed on the label.

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Jim C. Davis, private applicator, East Wenatchee. WSDA alleges that, in March 2001, when Davis applied an insecticide, the spray drifted onto a neighbor's property and a person. The matter was resolved with Davis agreeing to a \$250 fine and a seven-day license suspension.

Larry E. Denton, commercial applicator, owner, Marsh Aviation, Athena, Oregon. WSDA alleges that, in June 2002, when Denton applied insecticide to an alfalfa seed crop near Touchet, the application drifted across the Touchet River onto a hay crop and a person. The hay could not be sold as a result of the incident. The matter was resolved with Denton agreeing to a \$705 fine and a 14-day license suspension.

Major Dhaliwal, orchard owner, private applicator, Omak. WSDA alleges that when Dhaliwal's employee applied insecticide, in July 2001, the application drifted onto residential property and a family. WSDA also alleges that Dhaliwal did not properly train his employee to use the equipment or properly post pesticide warning signs. The matter was resolved with Dhaliwal agreeing to a \$1,700 fine and a 24-day license suspension.

Timothy G. Evans, private applicator, ranch foreman, Evans Fruit Co., Inc., Yakima, was fined \$450 and his license was suspended for seven days. In June 2001, when an employee under Evans' supervision applied insecticide to one of the corporation's orchards, the application drifted onto a county road crew.

David L. Graesch, private applicator, agronomist, Czebotar Farms, Richland. WSDA alleges that, in November 2000, Graesch supervised the application of a soil fumigant onto potatoes through an irrigation system. The application drifted onto an adjacent industrial building where it entered the ventilation system exposing workers. The matter was resolved with Graesch agreeing to a \$7,200 fine.

Joe C. Grentz, Jr., private applicator, Monitor, had his license suspended for nine days. In April 2001, when Grentz, Jr. applied an insecticide to his father's pear orchard the application drifted onto a residential property.

Joe C. Grentz, Sr., private applicator, orchard owner, Monitor. WSDA alleges that, in March 1999, when Grentz, Sr. supervised an application of pesticides to his pear orchard, the application drifted over a road and onto a passing vehicle. Grentz, Sr. denied the allegations and requested a hearing. Without admitting wrongdoing and for settlement purposes only, Grentz, Sr. agreed to a license suspension of five days, and paid WSDA \$175.

G.S. Long Company, Inc., pesticide dealer, Yakima. WSDA alleges that, in August 2000, the company used a vehicle not properly equipped with side racks to transport pesticides on a state freeway. One case of insecticide fell off the truck and was struck by a vehicle on the freeway creating a cloud of insecticide dust. WSDA claims that at least one vehicle with both windows open drove through the cloud. The matter was settled with the company agreeing to pay a fine of \$1,099.

Mike J. Nolan, commercial operator, Trees, Inc., Oregon. WSDA alleges that Nolan was not present in August 2001 when an unlicensed employee under his supervision applied herbicide to brush along a power line right-of-way near White Salmon. The application exceeded the maximum allowed by the product label and drifted, damaging a pear orchard. The matter was settled with Trees, Inc. agreeing to a \$1,450 fine and Nolan agreeing to a 10-day license suspension.

Robert H. Phinney, private applicator, Glory B. Farms, Dayton. WSDA alleges that, in May 2001, Phinney applied an unregistered herbicide to a timothy hay field, damaging the hay. The matter was settled with Phinney agreeing to a \$450 fine and a seven-day license suspension.

Harold Ray Pleasant, private applicator, principal officer, H.R.P. Enterprises, Inc., Prosser. WSDA alleges that in August 2000, when unlicensed employees under Pleasant's supervision applied insecticide to his vineyard, the application drifted onto an adjacent residence. The matter was resolved with Pleasant agreeing to a \$575 fine.

Martin R. Shaw, commercial applicator, president, The Crop Duster, Inc., Ephrata. WSDA alleges that when Shaw applied a fungicide-insecticide mix in August 2000, the application drifted onto a county road crew. Two workers became ill. The matter was resolved with Shaw agreeing to a \$550 fine and a nine-day license suspension.

Monte L. Spence, commercial applicator, dealer-manager, Windflow Fertilizers, Inc., Mattawa. WSDA alleges that in 2001 Spence failed to maintain adequate pesticide application records and sold restricted-use pesticides to unlicensed people. The matter was settled with Spence agreeing to a 10-day suspension of his commercial applicator license and a 14-day suspension of his dealer-manager license.

Squaw Creek Orchard, agricultural establishment, Pateros, was fined \$1,100. In April and May 2002, pesticides were left unattended in open and unsecured storage in close proximity to areas where children were playing.

Jose Tapia, private applicator, Admeyer Orchards, Inc., East Wenatchee, was fined \$350 and his license was suspended for five days. In May 2002, when Tapia applied an insecticide to an apple orchard, the spray drifted onto two children at a nearby residence.

Jorn Tronstad, commercial applicator, owner, Valley Air Service, Sunnyside. WSDA alleges that in, July 2001, when Tronstad applied insecticide, the spray drifted onto a man in an adjacent vineyard. WSDA also claims that when Tronstad applied insecticide in September 2001, the spray drifted onto an adjacent pasture affecting several animals and a child. The matter was settled with Tronstad agreeing to a \$2,200 fine and a 5-day license suspension.

John F. Wise, private applicator, apple orchard owner, Okanogan County, was fined \$450 and his license was suspended for seven days. In May 2002, when Wise applied insecticide it drifted onto a neighbor's certified organic pears.

Gregory Zacher, private applicator, cherry orchard owner, Chelan County. WSDA alleges that when Zacher's unlicensed employee applied insecticide in May and June 2002, it drifted onto an adjacent residence. One person was directly sprayed. The matter was settled with Zacher agreeing to a \$600 fine and a 10-day license suspension.

Kirk E. Zirker, commercial operator, Windflow Fertilizers, Inc., Mattawa. WSDA alleges that in spring and summer 2001, Zirker failed to follow label directions, applied restricted-use herbicides at excessive pressures, and maintained inadequate application records. The matter was settled with Zirker agreeing to a \$600 fine and a 12-day license suspension.

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